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KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of
MIELKE, et al.
PCT No.: PCT/US04/38438 : DECISION ON PETITION
Application No.: 10/579,817 :
Int. Filing Date: 16 November 2004 : UNDER 37 CFR 1.47(a)
Priority Date: 17 November 2003 :
Atty. Docket No.: 58653-1042 :
For: REACTIVE HYDROXYLATED AND :
CARBOXYLATED POLYMERS FOR USE AS :
ADHESION PROMOTERS :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 23 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 November 2004, applicant filed international application PCT/US04/38438 which claimed priority to an earlier application filed 17 November 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 2006.

On 16 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an application data sheet and a preliminary amendment.

On 23 March 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 23 October 2007, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Mark John Lindsey accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As authorized, the \$200.00 petition fee will be charged to deposit account number 50-0540.

The application has an international filing date of 16 November 2004 under 35 U.S.C. 363, and will be given a date of **23 October 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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